

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO. SJ-2018-0458

BOSTON GLOBE MEDIA PARTNERS, LLC

v.

CHIEF JUSTICE OF THE TRIAL COURT AND CHIEF JUSTICE OF THE
DISTRICT COURT DEPARTMENT

RESERVATION AND REPORT

This case came before the Court, Lowy, J., as a petition pursuant to G. L. c. 211, § 3. The petitioner seeks review of the policy and practice of the district court department of denying the public a presumptive common law or constitutional right of access to the records of show cause hearings conducted pursuant to G. L. c. 218, § 35A after a judicial officer makes a finding of probable cause but nevertheless declines to issue process or a criminal complaint. A hearing was held before me on December 27, 2018. At the conclusion of the hearing I issued an interim order calling for the parties to provide, among other things, a statement of agreed facts in anticipation of a possible reservation and report.

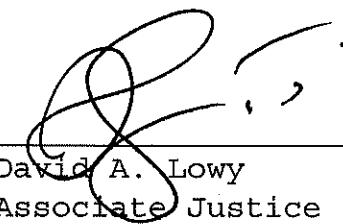
I reserve and report this case for determination by the Supreme Judicial Court for the Commonwealth on the record now before me.

The record before the full court shall consist of the following:

1. the petition to the single justice of the Supreme Judicial Court for Suffolk County for declaratory relief pursuant to G. L. c. 211, § 3;
2. the memorandum of law in support of the petition to the single justice of the Supreme Judicial Court for Suffolk County for review pursuant to G. L. c. 211, § 3 with exhibits A-F;
3. the respondents' memorandum in opposition to the petition for declaratory relief pursuant to G. L. c. 211, § 3;
4. the order dated January 4, 2019;
5. the stipulation of facts with exhibits A-H;
6. docket sheets in SJ-2018-0458;
7. this Reservation and Report.

This matter shall proceed in all respects in conformance with the Massachusetts Rules of Appellate Procedure. The petitioner is designated the appellant; the respondents are designated the appellee. The petitioner shall pay the entry fee and docket the appeal in the full court promptly.

The petitioner's brief will be due on or before February 28, 2019. The respondents' brief will be due on or before March 22, 2019. No extension of time for briefing should be expected. Oral argument shall be scheduled for the April sitting of the court.



David A. Lowy
Associate Justice

Entered: January 29, 2019